

CHART FOR DETERMINING AMOUNT OF WAGES SUBJECT TO 10% ATTACHMENT

Below is a chart which explains how to determine the amount of wages subject to attachment. The applicable federal laws from which the information in the chart have been taken are: 10 Del.C. § 4913(a); 15 USC § 1673; 15 USC § 1677 and 29 USC § 206(a).1. The chart assumes that the wage earner is paid weekly. If paid twice per month, follow the same chart but use \$334.80 (\$154.50 x 2-1/6 weeks) in Step C. If paid every two weeks, use \$309.00 (\$154.50 x 2). If paid monthly, use \$669.45 (\$154.50 x 4-1/3) in Step C.

- A. Calculate disposable earnings by subtracting from gross earnings those items required by law to be deducted. For example:

GROSS EARNINGS
- Federal tax
- State tax
- FICA
- City tax (if any)
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equals disposable earnings

- B. Calculate 10% of disposable earnings.
C. Subtract \$154.50 (30 x \$5.15 - the minimum wage) from the disposable earnings.
D. The attached amount is the lesser of the figures calculated under B and C.

EXAMPLE 1

An individual's gross earnings in a week are \$250.00

A.	\$250.00
	- 30.00 (est. Fed. tax)
	- 8.00 (est. State tax)
	- 19.00 (est. FICA)
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	\$193.00 Disposable earnings

- B. 10% of \$193.00 = \$19.30
C. \$193.00 - \$154.50 = \$38.50
D. \$19.30 is less than \$38.50 and is the amount attached.

EXAMPLE 2

An individual's gross earnings in a week are \$100.00

A.	\$100.00
	- 7.00 (est. Fed. Tax)
	- 1.00 (est. State Tax)
	- 8.00 (est. FICA)
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	\$ 84.00 Disposable earnings

- B. 10% of \$84.00 = \$8.40
C. \$84.00 - \$154.50 = -\$70.50
D. -\$70.50 is less than \$8.40; none of the wages can be attached.

It is very important that employers and creditors understand the attachment process because a common practice is to simply attach 10% of the gross wages. As the chart indicates, that is not correct because it is very possible that in any given pay period none of an individual's wages can be attached.